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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,124	01/20/2004	Randy T. Pike	7162-0118	4099
39207	7590	09/24/2004	EXAMINER	
SACCO & ASSOCIATES, PA P.O. BOX 30999 PALM BEACH GARDENS, FL 33420-0999				ERDEM, FAZLI
			ART UNIT	PAPER NUMBER
			2826	

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/762,124	PIKE, RANDY T.
	Examiner Fazli Erdem	Art Unit 2826

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 January 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1-10 is/are allowed.  
 6) Claim(s) 11,12,16 and 18 is/are rejected.  
 7) Claim(s) 13-15 and 17 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/20/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1-10 allowed.
2. Claims 13-15 and 17 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11, 12 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Hirabayashi et al. (6,766,082) in view of Uno et al. (6,406,196).

Regarding Claims 11, 12 and 16, Hirabayashi et al. disclose a waveguide type optical device and manufacturing method therefor where optical structure 1-4 is embedded in ceramic substrate 1-1 inside a trench formed inside ceramic substrate 1-1. Hirabayashi et al. fail to disclose the required makeup of the optical structure/fiber. However, Uno et al. disclose an optical device and method for producing the same where in Figs 2 and 3, the required makeup of the optical structure/fiber is disclosed.

It would have been obvious to one of having ordinary skill in the art at the time the invention was made to include the required makeup of the optical material in

Hirabayashi et al. as taught by Uno et al. in order to have an optical semiconductor device with increased performance.

5. Claim 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Hirabayashi et al. (6,766,082) in view of Uno et al. (6,406,196) further in view of Washburn et al. (5,661,647).

Regarding Claim 18, Hirabayashi et al. disclose a waveguide type optical device and manufacturing method therefor where optical structure 1-4 is embedded in ceramic substrate 1-1 inside a trench formed inside ceramic substrate 1-1. Hirabayashi et al. fail to disclose the required makeup of the optical structure/fiber and the co-fired ceramic substrate. However, Uno et al. disclose an optical device and method for producing the same where in Figs 2 and 3, the required makeup of the optical structure/fiber is disclosed. Furthermore, Washburn et al. disclose a low temperature co-fired ceramic UHF/VHF power converters where an optical element is embedded inside a co-fired ceramic substrate.

It would have been obvious to one of having ordinary skill in the art at the time the invention was made to include the required makeup of the optical material and the required co-fired ceramic substrate Hirabayashi et al. as taught by Uno et al. and Washburn et al., respectively in order to have an optical semiconductor device with increased performance

### ***Conclusion***

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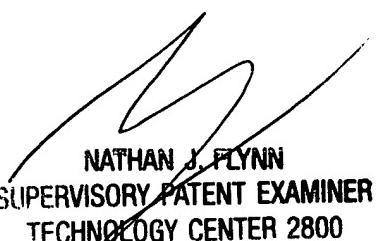
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fazli Erdem whose telephone number is (571) 272-1914. The examiner can normally be reached on M - F 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FE

September 19, 2004



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